

In order to advance the prosecution, the original claims have been converted to conventional method of use claims. New claims 10-18 correspond to original claims 1-9, respectively. No new matter has been added.

Applicants reserve the right to prosecute any non-elected subject matter in a divisional application, if such subject matter is not ultimately granted here.

Regarding the traversal, Applicants respectfully disagree with the Examiner's assessment that the claims encompass unrelated and diverse species. The fact of the matter is that the claims require three possible components:

- a) a hydroxycarboxylic acid;
- b) a glucose derivative of the indicated structure; and
- c) optionally an ether substance of the indicated structure.

Not only do all of the claimed preparations comprise ingredients which fit into these clear and unifying categories, but Applicants disclose and claim that such combinations are useful to treat blemished skin or acne. Consequently, the claims clearly are characterized by unity of invention since both common structure and common function has been demonstrated. In view of the foregoing, Applicants submit that even if, assuming for the sake of argument, the various species are patentably distinct as the Examiner alleges, restriction would still be improper because the patentably

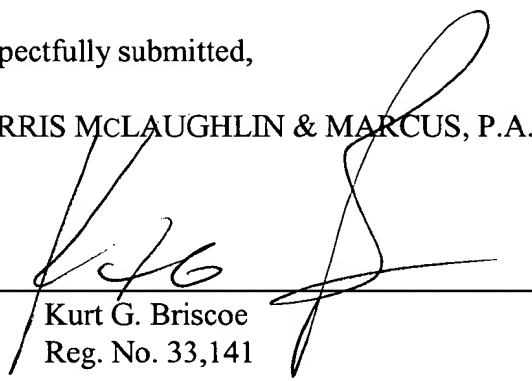
distinct species form a single inventive concept by virtue of the common structure and common utility. *In re Harnisch*, 206 USPQ 300 (CCPA 1980). Accordingly, the Examiner should examine the entirety of claims 10-18.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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By


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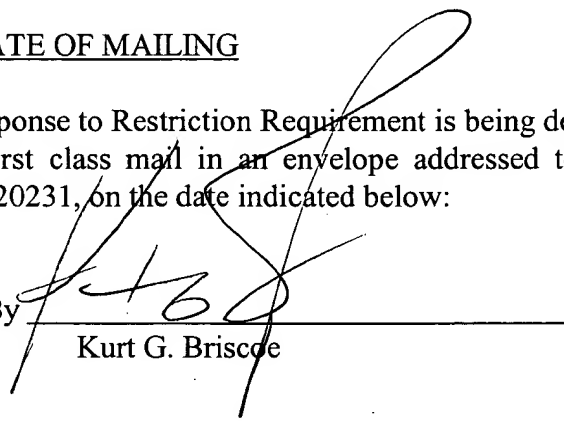
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response to Restriction Requirement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: May 2, 2001

By


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